



**PATENT**

Attorney Docket No.: A-69988-1/TAL/NHT

Attorney File No.: 465840-00486

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

BUELOW et al.

Serial No. 10/661,462

Filing Date: September 13, 2003

For: *Carbon Monoxide Generating  
Compounds for Treatment of  
Vascular, Inflammatory and  
Immune Disorders*

Examiner: To Be Assigned

Art Unit: To Be Assigned

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450:

Dated: April 13, 2004

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Brent Yorlchara

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants wish to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO/SB/8A. In accordance with 1273 Off. Gaz. Pat. Off. 1, 8/5/2003, no copies of U.S. patents and U.S. published applications are enclosed.

Further, this application is a continuation-in-part of the following related U.S. Application – Serial No. 10/115,276, filed April 1, 2002 (pending). Since copies of these references were provided either by Applicants or the Examiner, in accordance with 37 C.F.R. § 1.98(d), no copies of these references are enclosed.

Serial No.: 10/661,462  
Filing Date: September 13, 2003

None of the foregoing references are believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

As far as is known to the undersigned, this Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of the national state in an international application, or before the mailing date of a first Office Action on the merits as set forth in 37 C.F.R. § 1.97(b), and therefore no fee is required.

While no further fee is believed to be due, if this belief is in error, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. 465840-00486 (A-69988-1/TAL/NHT)).

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 4/13/04

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Substitute for form 1449A/PTO  
(Modified)

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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## Complete if Known

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First Named Inventor	BUELOW, Roland
Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	A-69988-1/TAL/NHT (465840-00486)

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	5,756,492	05-26-1998	Buelow et al.	
	A2	6,060,467	05-09-2000	Buelow	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
	B1	WO 95/13082 A1	05-18-1995	PharmaGenesis, Inc.		
	B2	WO 00/36113 A3	06-22-2000	SangStat Medical Corp.		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	C1	ABRAHAM, N.G., et al., "The physiological significance of heme oxygenase," <i>Int. J. Biochem.</i> 20(6):543-558 (1988).	
	C2	AGARWAL, A., et al., "Gas-generating systems in acute renal allograft rejection in the rat," <i>Transplantation</i> 61(1):93-98 (Jan. 1996).	
	C3	AHMED, A.E., et al., "Metabolism of haloforms to carbon monoxide. I. <i>In vitro</i> studies," <i>Drug Metab. Dispos.</i> 5(2):198-204 (Mar. - Apr. 1977).	
	C4	AMERSI, F., et al., "Upregulation of heme oxygenase-1 protects genetically fat Zucker rat livers from ischemia/reperfusion injury," <i>J. Clin. Invest.</i> 104(11):1631-1639 (Dec. 1999).	
	C5	ANDERS, M.W., et al., "Mechanism of the metabolism of 1,3-benzodioxoles to carbon monoxide," <i>Biochem. Pharmacol.</i> 33(4):577-580 (Feb. 1984) (abstract only).	
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	C7	ANGELO, M.J., et al., "A physiological model for the pharmacokinetics of methylene chloride in B6C3F1 mice following i.v. administrations," <i>J. Pharmacokinetic. Biopharm.</i> 12(4):413-436 (Aug. 1984).	
	C8	BROUARD, S., et al., "Carbon monoxide generated by heme oxygenase 1 suppresses endothelial cell apoptosis," <i>J. Exp. Med.</i> 192(7):1015-1026 (Oct. 2000).	
	C9	BROUARD, S., et al., "Carbon monoxide generated by heme oxygenase-1 (HO-1) suppresses endothelial cell apoptosis via activation of the p38 mitogen activated protein kinase (MAPK) pathway," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
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	C11	CHRETIEN, M.L., et al., "Carbon monoxide-induced relaxation of rat aorta is potentiated by YC-1," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
	C12	CUTURI, M., et al., "RDP1258, a New Rationally Designed Immunosuppressive Peptide, Prolongs Allograft Survival in Rats: Analysis of Its Mechanism of Action," <i>Mol. Med.</i> 5(12):820-832 (Dec. 1999).	
	C13	DeBRUYNE, L., et al., "Gene transfer of immunomodulatory peptides correlates with heme oxygenase-1 induction and enhanced allograft survival," <i>Transplantation</i> 69(1):120-128 (Jan. 2000).	

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Sheet **2** of **4**

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	C14	DINGLEY, J., et al., "Blood volume determination by the carbon monoxide method using a new delivery system: accuracy in critically ill humans and precision in an animal model," <i>Crit. Care Med.</i> 27(11):2435-2441 (Nov. 1999), abstract found at Medline Database Accession No. 20043862.	
	C15	DUCKERS, J., et al., "Heme oxygenase-1 protects against vascular constriction and proliferation," <i>Nat. Med.</i> 7(6):696-698 (Jun. 2001).	
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	C17	ELLIS, M., et al., "Metabolism and disposition of difluoromethane (HFC32) in the mouse," <i>Hum. Exp. Toxicol.</i> 15(7):592-596 (Jul. 1996) (abstract only).	
	C18	ELLIS, M., et al., "The inhalation toxicology, genetic toxicology, and metabolism of difluoromethane in the rat," <i>Fundam. Appl. Toxicol.</i> 31(2):243-251 (Jun. 1996) (abstract only).	
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	C20	GARGAS, M.L., et al., "Metabolism of inhaled dihalomethanes <i>in vivo</i> : differentiation of kinetic constants for two independent pathways," <i>Toxicol. Appl. Pharmacol.</i> 82(2):211-223 (Feb. 1986) (abstract only).	
	C21	GRAVES, R.J., et al., "Methylene chloride-induced DNA damage: an interspecies comparison," <i>Carcinogenesis</i> 16(8):1919-1926 (Aug. 1995).	
	C22	HAGA, Y., et al., "Unconjugated bilirubin inhibits <i>in vitro</i> major histocompatibility complex-unrestricted cytotoxicity of human lymphocytes," <i>Biochim. Biophys. Acta</i> 1316(1):29-34 (May 1996).	
	C23	HANCOCK, W., et al., "Antibody-induced transplant arteriosclerosis is prevented by graft expression of anti-oxidant and anti-apoptotic genes," <i>Nat. Med.</i> 4(12):1392-1396 (Dec. 1998).	
	C24	HERD, P.A., et al., "Cardiovascular effects of 1,1,1-trichloroethane," <i>Arch. Environ. Health</i> 28(4):227-233 (Apr. 1974).	
	C25	HOROWITZ, B., "Carboxyhemoglobinemia caused by inhalation of methylene chloride," <i>Am. J. Emerg. Med.</i> 4(1):48-51 (Jan. 1986).	
	C26	ISHIKAWA, K., et al., "Heme oxygenase-1 inhibits atherosclerotic lesion formation in ldl-receptor knockout mice," <i>Cir. Res.</i> 88(5):506-512 (Mar. 2001).	
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	C28	IYER, S., et al., "Characterization and biological significance of immunosuppressive peptide D2702.75-84 (E - V) binding protein," <i>J. Biol. Chem.</i> 273(5):2692-2697 (Jan. 1998).	
	C29	KATO, H., et al., "Heme oxygenase-1 overexpression protects rat livers from ischemia/reperfusion injury with extended cold preservation," <i>Am. J. Transplant.</i> 1(2):121-128 (Jul. 2001).	
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	C32	MARKS, G.S., "The physiological role of carbon monoxide derived from heme oxidation catalyzed by heme oxygenase," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
	C33	McKENNA, M., et al., "The dose-dependent metabolism of [14C]methylene chloride following oral administration to rats," <i>Food Cosmet. Toxicol.</i> 19(1):73-78 (Feb. 1981).	

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	C34	MENNEAR, J., et al., "Inhalation toxicity and carcinogenesis studies of methylene chloride (dichloromethane) in F344/N rats and B6C3F1 mice," <i>Ann. N.Y. Acad. Sci.</i> 534:343-351 (1988).	
	C35	MORITA, T., "Smooth muscle cell-derived carbon monoxide is a regulator of vascular cGMP," <i>Proc. Natl. Acad. Sci. USA</i> 92(5):1475-1479 (Feb. 1995).	
	C36	MORITA, T., et al., "Carbon monoxide controls the proliferation of hypoxic vascular smooth muscle cells." <i>J Biol Chem.</i> 272(52):32804-32809 (Dec. 1997).	
	C37	MORITA, T., et al., "Endothelial cell expression of vasoconstrictors and growth factors is regulated by smooth muscle cell-derived carbon monoxide," <i>J. Clin. Invest.</i> 96(6):2676-2682 (Dec. 1995).	
	C38	MOTTERLINI, R., et al., "Carbon monoxide-releasing molecules: characterization of biochemical and vascular activities." <i>Circ Res.</i> 90(2):E17-E24 (Feb. 2002).	
	C39	NEIL, T., et al., "Modulation of corneal heme oxygenase expression by oxidative stress agents." <i>J. Ocul. Pharmacol. Ther.</i> 11(3):455-468 (Fall 1995).	
	C40	OSTERMAN-GOLKAR, S., et al., "Chemical reactivity and mutagenicity of some dihalomethanes." <i>Chem. Biol. Interact.</i> 46(1):121-130 (Aug. 1983) (abstract only).	
	C41	OTTERBEIN, L.E. et al., "Carbon monoxide has anti-inflammatory effects involving the mitogen-activated protein kinase pathway." <i>Nat Med.</i> 6(4):422-428 (Apr. 2000).	
	C42	OTTERBEIN, L.E. et al., "Carbon Monoxide Protects Against Oxidant-Induced Lung Injury in Mice Via the p38 Mitogen Activated Protein Kinase Pathway," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
	C43	OTTERBEIN, L.E., et al., "Carbon Monoxide Mediates Anti-Inflammatory Effects Via the P38 Mitogen Activated Protein Kinase Pathway," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
	C44	OU, H., et al., "Role of endogenous carbon monoxide in neointimal formation induced by balloon-injury in rat aorta," <i>Chin. Med. Sci. J.</i> 14(1):41-145 (1999), abstract available at Database HCAPlus Accession No. 131:72120.	
	C45	PANKOW, D., et al., "Effect of isoniazid or phenobarbital pretreatment on the metabolism of dihalomethanes to carbon monoxide." <i>Pol. J. Occup. Med. Environ. Health</i> 5(3):245-250 (2000) (abstract only).	
	C46	PLATT, J., et al., "Heme oxygenase: protective gene or Trojan horse," <i>Nat Med.</i> 4(12):1364-1365 (Dec. 1998).	
	C47	RAJU, V.S., et al., "Coordinated expression and mechanism of induction of HSP32 (heme oxygenase-1) mRNA by hyperthermia in rat organs," <i>Biochim. Biophys. Acta</i> 1217(3):273-280 (Apr. 1994).	
	C48	RODKEY, F., et al., "Effect of dihalogenated methanes on the in vivo production of carbon monoxide and methane by rats," <i>Toxicol. Appl. Pharmacol.</i> 40(1):39-47 (Apr. 1977) (abstract only).	
	C49	SAMMUT, I., et al., "Carbon monoxide is a major contributor to the regulation of vascular tone in aortas expressing high levels of haeme oxygenase-1," <i>Br. J. Pharmacol.</i> 125(7):1437-1444 (Dec. 1998).	
	C50	SASAKI, Y., et al., "Detection of in vivo genotoxicity of haloalkanes and haloalkenes carcinogenic to rodents by the alkaline single cell gel electrophoresis (comet) assay in multiple mouse organs," <i>Mutat. Res.</i> 419(1-3):13-20 (Nov. 1998) (abstract only).	
	C51	SATO, K., et al., "Carbon Monoxide can fully substitute Heme Oxygenase-1 in suppressing the rejection of mouse to rat cardiac transplants," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
	C52	SATO, K., et al., "Carbon monoxide generated by heme oxygenase-1 suppresses the rejection of mouse-to-rat cardiac transplants," <i>J. Immunol.</i> 166(6):4185-4194 (Mar. 2001).	
	C53	SLOW, R., et al., "Heme oxygenase-carbon monoxide signalling pathway in atherosclerosis: anti-atherogenic actions of bilirubin and carbon monoxide?" <i>Cardiovasc. Res.</i> 41(2):385-394 (Feb. 1999).	

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	C54	SQUIERS, E., et al., "Prolongation of porcine islet xenograft survival in mice after therapy with immunosuppressive peptides." <i>Transplantation</i> 66(11):1558-1561 (Dec. 1998).	
	C55	STEVENS, J., et al., "Metabolism of haloforms to carbon monoxide. IV. Studies on the reaction mechanism <i>in vivo</i> ," <i>Chem. Biol. Interact.</i> 37(3):365-374 (Nov. 1981) (abstract only).	
	C56	STEVENSON, D., et al., "Carbon monoxide detection and biological investigations," <i>Trans. Am. Clin. Climatol. Assoc.</i> 111:61-75 (2000).	
	C57	TAMION, F., et al., "Induction of haem oxygenase contributes to the synthesis of pro-inflammatory cytokines in re-oxygenated rat macrophages: role of cGMP," <i>Cytokine</i> 11(5):326-333 (May 1999), abstract available at Database Medline Accession No. 99262228.	
	C58	TOGANE, Y., et al., "Protective roles of endogenous carbon monoxide in neointimal development elicited by arterial injury," <i>Am. J. Physiol. Heart Circ. Physiol.</i> 278(2):H623-H632 (Feb. 2000).	
	C59	VAN IERSEL, A.A., et al., "Effects of 1,2-dibromoethane on isolated hepatocytes: functional alterations and induction of lipid peroxidation," <i>Xenobiotica</i> 18(6):675-683 (Jun. 1988) (abstract only).	
	C60	WANG, L.J., et al., "Expression of heme oxygenase-1 in atherosclerotic lesions," <i>Am. J. Pathol.</i> 152(3):711-720 (Mar. 1998).	
	C61	WILLIS, D., et al., "Heme oxygenase: a novel target for the modulation of the inflammatory response," <i>Nat. Med.</i> 2(1):87-90 (Jan. 1996).	
	C62	WONG, R., et al., "Carbon Monoxide Concentrations in Tissues," <i>Abstract from 1<sup>st</sup> Intl. Symp. Heme Oxygenase (HO/CO)</i> , New York, NY (2000).	
	C63	WOO, J., et al., "Alleviation of graft-versus-host disease after conditioning with cobalt-protoporphyrin, an inducer of heme oxygenase-1," <i>Transplantation</i> 69(4):623-633 (Feb. 2000)	
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	C65	WOO, J., et al., "Stress protein-induced immunosuppression: inhibition of cellular immune effector functions following overexpression of haem oxygenase (HSP 32)." <i>Transplant. Immunol.</i> 6(2):84-93 (Jun. 1998).	

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